

THE
SERPENT
ON THE
STAFF

The Unhealthy Politics of the
American Medical Association

HOWARD WOLINSKY
and
TOM BRUNE

A Jeremy P. Tarcher/Putnam Book
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HOWARD WOLINSKY

This book is dedicated to my wife, Judith, and sons, Adam and David, whose support helped make this book possible. Also, to my late mother, Edith, who introduced me to the world of books, and my father, Sidney, who introduced me to the news and always can be found devouring a newspaper from cover to cover.

TOM BRUNE

Dedicated to my wife, Deborah Nelson, and daughters, Molly and Anna, who were always there for me through long days and long nights.

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Contents

ACKNOWLEDGMENTS	v
PREFACE	vii
PREFACE TO THE FIRST EDITION	xi
CHAPTER 1	
The American Doctors' Association <i>Looking After Medicine's Special Interests</i>	1
CHAPTER 2	
Fighting "The Inevitable" <i>Stopping National Health Insurance at All Costs</i>	15
CHAPTER 3	
License to Make Money <i>Turning Medicare into a Cash Cow</i>	44
CHAPTER 4	
Deep Pockets <i>Buying Time and Clout in Washington</i>	68
CHAPTER 5	
Principles for Profits <i>Keeping Medicine's Business Ethic Alive</i>	94
CHAPTER 6	
Medical Monopoly <i>Waging War on Alternative Medicine</i>	121

Medical Monopoly

Waging War on Alternative Medicine

SINCE ITS FOUNDING in the mid-nineteenth century, the American Medical Association, with its M.D.-knows-best doctrine, has attempted to root out quacks and snake-oil salesmen. Charlatans who prey upon the public ought to be eliminated. However, the AMA also had other, more selfish and cynical motivations in attacking all varieties of alternative healers, who after all competed to some extent with its members. These included protecting the financial interests of orthodox practitioners and supplying the divided factions within mainstream medicine with a common enemy against whom they could rally.

By helping medical doctors ascend the throne of medicine, politically and economically, the AMA has contributed to the elimination or suppression of competing healers. Because of these interventions, insurance covers unorthodox care only on a limited basis, if at all, and the research establishment has largely ignored what unconventional medicine might have to offer. Still, some alternative medical approaches have beaten the odds to survive in the shadow of a menacing AMA, and many Americans opt for alternative medicine because they find mainstream, AMA-style medicine unsatisfactory.¹

The AMA has conducted a nearly 150-year war against alternative medicine. In its earliest years, the AMA, representing one of a number of competing medical approaches, led the so-called regular doctors to

market dominance by the turn of this century. Despite the virtual monopoly of regular medicine, the AMA continued to battle the alternative practitioners. Having been badly bloodied in its defeat on Medicare in the 1960s, the AMA launched an all-out war on chiropractic, the most successful of contemporary alternatives.

DEFENDER OF THE TRUE FAITH

Most Americans see doctors who practice what technically is known as allopathic medicine. Allopathy, marked by the use of medicine and surgery and by an allegiance to the scientific method, holds itself up in near-religious terms as the one true faith, dismissing as cults groups that subscribe to other approaches. But allopathy actually is the **majority party**; there are now and have always been multiple schools of **medical thought**. Allopathy is simply the AMA brand of medicine, which **experienced** a serendipitous rise in an era in which scientific knowledge **began to soar**.

Before the AMA arrived on the scene in the late 1840s, **allopathy was** far from being assured dominance. There had been a teeming marketplace of medical theories: one school advocated a highly **democratized** system in which each person was his or her own physician; **another** promoted the use of plants as remedies; another used steam **therapy** and Native American medicines; and yet another, the "eclectics," borrowed from other sects whatever techniques they considered **beneficial**.

Dr. Samuel Hahnemann in the early nineteenth century founded the once very popular type of medicine known as homeopathy. Hahnemann's theory was based on the concept of like cures like. He and his colleagues developed an extensive catalog of remedies, which from self-testing they determined elicited symptoms similar to the diseases. Homeopaths (the term comes from the Greek meaning "like disease") gave their patients highly diluted doses of their remedies in hopes of effecting cures.

Hahnemann gave the competing school, allopathy, its name. In contrast with homeopaths, Hahnemann said allopaths (Greek for "other treatment," a put-down that stuck) gave their patients harsh purgatives and bled them to counter the effects of disease and injury. As a reform movement, homeopathy was in demand because its remedies did not have the dangerous side effects associated with allopathy, whose "heroic" treatments often were deadly.

Homeopaths underwent training equal to or even superior to that of allopaths. Not surprisingly, the popularity of homeopathy and other so-

called irregular medical groups drew fire from allopaths, whose income and status were threatened. In forming the AMA, the allopaths nominally wanted to improve medical education and to fight quackery, but the counterculture of that era viewed these as wink terms for a campaign to wipe out irregular physicians, particularly homeopaths. At its founding in 1847, the AMA established ethical prohibitions against consulting with homeopaths and other irregular physicians. This policy led to a dispute *within* allopathy. The Medical Society of the State of New York was booted out of the AMA in 1882 because the group had dropped the ban against consulting with homeopaths. The next year, doctors attending the AMA meeting were forced to sign a pledge to adhere to the AMA's original ethical code barring such professional exchanges.

During its first half century, the AMA had failed in its anti-quackery efforts because it was unable to enforce its pronouncements against irregulars. Meanwhile, many allopaths, recognizing the success of the competition, dropped purgatives and bloodletting and adopted homeopathic remedies.

Ironically, the death knell for the strongest irregular groups sounded as allopaths joined forces with homeopaths and eclectics in the late 1800s to advocate licensing of doctors. In *The Social Transformation of American Medicine*, sociologist Paul Starr said regular physicians recognized that only by collaborating with homeopaths and eclectics could they "win licensing laws that would protect all of them against competition from untrained practitioners." His argument is that it is a myth that the dominant allopaths suppressed homeopaths and eclectics. Rather, he said, once homeopaths and eclectics gained licensing recognition and seemed more like allopaths, their public acceptance plummeted. By gaining mainstream recognition and becoming more like allopaths, the homeopaths and eclectics committed professional suicide.

Having divided and conquered the irregulars, the AMA was on its way to being recognized as organized medicine. By the turn of the century, the AMA and allopathic medicine had become king of the hill as the leading medical sects declined and were absorbed, and mainstream medicine was making and exploiting scientific discoveries.

New Enemies: Osteopaths and Chiropractors

By the time the AMA had succeeded with passage of state laws to license physicians, at the end of the nineteenth century, two other groups began to emerge to fill the void for those seeking alternatives. The two approaches, osteopathic medicine and chiropractic, both used spinal

manipulation to treat disease. The AMA viewed both as quacks and did what it could to block them.²

Dr. Andrew Still, a frontier doctor, was dissatisfied with both allopathy and its irregular competitors. He set out to develop his own type of medicine. In 1874, based on a divine revelation and study of bones dug up from Indian burial grounds, Still left mainstream medicine behind and began advocating a nondrug, hands-on approach involving spinal manipulation, which he dubbed osteopathy. He contended that misplaced spinal bones interfered with nerves controlling the blood supply to the organs. Because Still wanted his followers to be general practitioners, osteopaths soon enlarged their skills by learning minor surgery and obstetrics. Eventually they became more like M.D.s, expanding their scope of practice to include major surgery and use of drugs. The osteopaths ultimately rejected some of their founder's theories and improved their educational requirements.

Despite its efforts to upgrade itself, osteopathy remained a pariah in allopathic eyes. In the 1920s the AMA began to describe osteopaths as cultists with whom AMA members should not associate professionally. The AMA, which viewed osteopathic education as second rate, barred doctors of osteopathy (D.O.s) from AMA membership and tried to block osteopaths from obtaining hospital privileges and participating in government-funded medical programs. The AMA was refining its bag of tricks to attack alternative healers. As much as the American Medical Association may have despised osteopathy, homeopathy, and other unconventional practices, it saved its strongest venom for chiropractic.

An Unscientific Cult³

The AMA considered all chiropractors quacks. In the AMA view, chiropractors were followers of an "unscientific cult" because they accepted heretical theories espoused by chiropractic founder D. D. Palmer. The one-time grocer—his enemies liked to dismiss him as a fishmonger—and "magnetic healer" held that disease had "one cause and one cure." The cause of disease, so chiropractic theory went, was subluxations, misalignments of the spinal vertebrae that interfered with the normal flow of nerve energy. Chiropractic's "cure" consisted of the forceful thrusts of spinal manipulation, known as "adjustments," to restore vertebrae to their normal position. In his 1925 book on quackery, *The Medical Follies*, Dr. Morris Fishbein, longtime editor of the *Journal of the AMA* and the person most identified with AMA views from the 1920s through the 1940s, described chiropractic as a "malignant tumor." Fishbein belittled

chiropractic theory as a reversion to the original ideas of osteopathy, "so simple that even farm-hands can grasp it."⁴

Chiropractic also had a spiritual or metaphysical foundation, which made science-oriented physicians cringe. Once the spinal bones were in place, "an intelligent life-force," referred to as the "Innate" by Palmer, was unleashed and brought about healing. "Innate is part of the Creator. Innate spirit is part of Universal Intelligence," said Palmer. Chiropractors said they restored the normal harmony of misaligned bones to allow spiritual energy to heal the body.

However, in allopathic medicine's view, chiropractors, with their peculiar language and theories, might as well have been from another planet. Medical doctors, trained to consider themselves as scientists, spurned chiropractic theory as gibberish. The mainstream elite also looked down its nose at chiropractors because they underwent an inferior education, with many students in the early days entering chiropractic school with a high-school diploma. There also was a class difference because while many M.D.s came from the middle or upper classes, many doctors of chiropractic (D.C.s) came from blue-collar or rural backgrounds.

Medical doctors said chiropractic at best was a harmless placebo and at worst kept patients from potentially lifesaving therapy. They also were disgusted with chiropractors' penchant for advertising and promotion. While many M.D.s did not advertise at all and others restricted themselves to business-card ads listing name, address, and specialty, some chiropractors made flamboyant and even outrageous claims for cures for cancer and sponsored silly promotions, such as straight-spine contests.

With the outlook of the gentrified M.D. elite, Fishbein observed: "It has been said that osteopathy is essentially a method of entering the practice of medicine by the back door. Chiropractic, by contrast, is an attempt to arrive through the cellar. The man who applies at the back door at least makes himself presentable. The one who comes through the cellar is besmirched with dust and grime; he carries a crowbar and he may wear a mask."⁵

For most of its history, chiropractic represented only a minor annoyance to allopathy because there were relatively few D.C.s in the country, and they were largely confined to small towns in the Midwest and on the West Coast. But after World War II, veterans flooded chiropractic colleges, and chiropractic began to assume a higher profile.

CRACKING THE BACK OF CHIROPRACTIC

Chiropractors emerged in hordes in the 1950s and 1960s in Iowa, the group's birthplace. A worried Iowa Medical Society set out in 1962

to hobble chiropractic; it formed the Committee on Chiropractic to fight chiropractors' efforts to advance themselves in the state legislature. Robert B. Throckmorton, the medical society's general counsel, guided the anti-chiropractic campaign. The lawyer was especially concerned that the "mixers," a chiropractic faction, might be trespassing on medicine's territory by expanding its scope of practice. Mixers used spinal manipulation in combination with a variety of therapies, such as application of heat and nutritional treatments. In contrast, traditional "straight" chiropractors, who detested the mixers, used only spinal manipulation. The mixers were rapidly becoming the majority among D.C.s.⁶

Throckmorton was not troubled by the straights, whose practices were limited, but he feared the mixers would attempt to become *chiropractic physicians and surgeons*. Such a scenario had unfolded before with osteopathy, as one-time spinal manipulators metamorphosed into the equals of medical doctors.

Based on his efforts in Iowa, Throckmorton urged that the crusade against chiropractic go national. Speaking in Minneapolis in November 1962 to the North Central Medical Conference, a coalition of medical societies in the upper Midwest, Throckmorton issued organized medicine a call to arms against the "menace of chiropractic." He said medical societies had to address "the chiropractic problem" through a comprehensive program at the county, state, and national level. He said medical doctors had not taken chiropractic seriously: "To physicians, chiropractic is utterly ridiculous. Consequently, physicians have either ignored or ridiculed chiropractic and let it go at that. . . . The public is entitled to have facts, figures, and scientific information about this cult and its practices and limitations. The public does and should look to the medical profession for unbiased and authoritative information on this subject. Medicine has not fully met this responsibility."⁷

Throckmorton called for a "positive program of 'containment.'"⁸ He ticked off a list of areas medicine should concentrate on to stop chiropractic: Oppose chiropractic efforts to be covered by health insurance and workmen's compensation. Oppose chiropractic efforts to get hospital privileges. Contain chiropractic schools. Encourage ethical complaints against chiropractors. Resist chiropractic efforts to enhance its position through legislation. Encourage disunity between the straights and mixers.

Throckmorton wanted to cut chiropractic off at each point at which it might better itself. He urged the AMA as well as local medical groups to form anti-chiropractic committees. He said: "Action taken by the medi-

cal profession should be firm, persistent and in good taste [and] behind the scenes whenever possible."⁹

Quackery? Or Rallying Point?

While chiropractic probably posed a real threat to medical doctors' pocketbooks in Iowa, the same could not be said in most of the United States. The ratio of medical doctors to chiropractors was 4 to 1 in Iowa, compared to 10 to 1 nationally. And there was no documentation that chiropractic presented a genuine public-health menace.

Still, Throckmorton's impassioned plea struck a chord in the AMA leadership, which viewed a campaign against chiropractic as a flag under which to rally the troops in troubled times when momentum was building for Medicare. Throckmorton's vision met AMA expediencies. Within a few months of his Minneapolis speech, he was hired as the AMA's general counsel. He was a man with a mission. The American Medical Association had always held itself up as a fierce foe of quackery and a proponent of high ethical standards. But by the 1960s, AMA leaders considered the departments that dealt with these issues to be comatose. Dr. F. J. L. Blasingame, the AMA's chief executive, described the two sections, the AMA's quackbusting Department of Investigation and the Department of Ethics, as "sleeping giants." Blasingame told Throckmorton his job was to "help these departments come alive."¹⁰

THE AMA CREATES A COMMITTEE ON QUACKERY

Like most institutions in the anti-establishment 1960s, the AMA found itself under attack. Its meetings were disrupted by angry medical students and were picketed by blacks, Latinos, the poor, and others with gripes against organized medicine. The AMA was losing its grip on medicine as well as being drained of its lifeblood—membership. Once an organization doctors joined as a matter of course, the American Medical Association was on its way to being unable to claim even half of America's doctors as members. The AMA's hard-won dominance of medicine was on the critical list.

AMA leaders recognized that they needed to rally the demoralized troops. They hypothesized that a divided house would pull together to fight a common enemy.¹¹ When China is in trouble, it invades Tibet; when the AMA is in trouble, it often launches unifying campaigns to take on real or imagined enemies, such as competing health professions.

As early as September 1963, the AMA staff was gearing up to eliminate chiropractic, with the official rationale of protecting the public's health. Robert Youngerman, a Department of Investigation lawyer, said in a memo to Throckmorton that chiropractors "present a clear and present danger to the health and welfare of the public, and it would seem that as guardians of our nation's health, doctors of medicine should be dedicated to the *total elimination* of any such unscientific cult." (Emphasis added) To accomplish this goal, Youngerman suggested the formation of a "Committee on Chiropractic."¹²

The AMA Board agreed to the concept in November 1963, but chose a different name for the panel. "Committee on Chiropractic" sounded as though the AMA were establishing a diplomatic mission and extending an olive branch to chiropractors.¹³ Instead, the AMA Board held out the iron fist. It ordered that the panel, made up of medical doctors, be called the Committee on Quackery. The goal of the new committee was no less than to "contain and eliminate" chiropractic.¹⁴

To energize the Department of Investigation and the new Committee on Quackery, in January 1965, Throckmorton hired as department director H. Doyl Taylor, an attorney by training and tough-talking city editor of the *Des Moines Register*. In his new post, Taylor enthusiastically went after all manner of quackery, from psychic surgeons in the Philippines to arthritis and cancer quackery in Mexico.

Despite his Iowa roots, Taylor professed to know nothing about chiropractors until he joined the AMA staff. "I didn't know a chiropractor from an antelope," he would say. But when his superiors told him chiropractic was a menace, he immediately recognized it as the "greatest hazard to the public health. . . . I opposed whatever the Committee instructed me to oppose."¹⁵ One leading chiropractor later would portray Taylor as "the AMA's Adolf Eichmann," a bureaucrat who followed orders to destroy undesirables.¹⁶

The AMA Department of Investigation and the Committee on Quackery argued that existing AMA policy banning consultation with cultists was too vague to carry on the fight against chiropractic. They sought a "*necessary tool*," an explicit anti-chiropractic position from the AMA's policy-setting House of Delegates.¹⁷ Taylor helped fashion a position statement that for the first time specifically targeted chiropractors as a hazard. In the aftermath of the divisive Medicare battle, the AMA's House of Delegates in 1966 adopted the anti-chiropractic position, stating: "It is the position of the medical profession that chiropractic is an unscientific cult whose practitioners lack the necessary training and background to diagnose and treat human disease. Chiropractic consti-

tutes a hazard to rational health care in the United States because of the substandard and unscientific education of its practitioners and their rigid adherence to an irrational, unscientific approach to disease causation."¹⁸ With this single stroke, the AMA both declared itself the medical profession and tarred chiropractic as quackery.

Putting up Roadblocks

With AMA House endorsement, the Department of Investigation and the Committee on Quackery carried out their assignment with renewed zeal. Anywhere chiropractic made a showing, the AMA appeared—often covertly—using its influence to try to counter, block, and stop the enemy.

Taylor enlisted the support of hundreds of medical groups for the great war on chiropractic. He encouraged them to adopt ethical prohibitions against M.D.s either referring patients to or consulting with D.C.s. The committee also worked to bar chiropractors from tax-supported hospitals, to which some D.C.s wanted to refer patients for state-of-the-art X-ray studies. When Congress began considering paying chiropractors for treating elderly patients under Medicare, the AMA collaborated with its traditional foes on the Medicare issue, including the National Council of Senior Citizens, the AFL-CIO, and the American Public Health Association, to put up anti-chiropractic roadblocks. The AMA urged these groups to take stands against chiropractic and then distributed their anti-chiropractic positions, creating an anti-chiropractic bandwagon.

When chiropractic organizations sought federal approval for programs to upgrade, standardize, and accredit chiropractic education, the AMA stood at the Department of Education's door to try to bar their way. Department of Investigation staffers even went undercover, taking assumed names with appended D.C.s to spy on chiropractic conventions.¹⁹

To "educate" the public and the medical profession, the Committee on Quackery organized "quackery conferences" around the country to focus on the menace of chiropractic. The AMA distributed anti-chiropractic literature by the gross. It purchased 10,000 copies of journalist Ralph Lee Smith's book *At Your Own Risk: The Case Against Chiropractic*, which exposed some tragic abuses at the hands of chiropractors, revealed the greed of some D.C.s, and ridiculed chiropractic training and treatment.²⁰ The AMA gave the book, which was partially based on Department of Investigation files and Smith's writings in an AMA magazine for consumers, to 1,000 of the nation's largest libraries.

In 1967 Congress asked the then Department of Health, Education

and Welfare to appoint a panel through the Public Health Service to advise the government on whether chiropractors should be reimbursed under the new Medicare program. It was decided that to prevent the appearance of bias, no outside observers would be permitted, and that a proposed caucus with AMA representatives would not be allowed. However, as the study began in 1968, the AMA did everything it could to "coach" and persuade committee members that chiropractic should not be covered.

In a February 1968 letter, Taylor told Dr. Samuel Sherman, a member of HEW's Health Insurance Benefits Advisory Council with strong AMA links, "I'm sure you agree that the AMA hand must not 'show' in this matter at this stage of the proposed chiropractic study. . . . We must guard against the possibility that HEW may decide to do only what is politically expedient and include chiropractic 'as licensed at the state level'; or if a study is undertaken, admit chiropractic's totally unscientific testimonials."²¹ Months before the study actually began, Sherman assured Taylor that the final decision would be based upon chiropractic's "lack of scientific merit."²² And Dr. David Stevens, a member of the Committee on Quackery, said in a memo that a federal official reticently explained in a dinner meeting in October 1968 with Kentucky Medical Association officials that AMA testimony was "unnecessary as the final answer has already been determined."²³

The AMA also used an insider to determine which panelists were "soft" on chiropractic so they could be "coached."²⁴ Panelist Dr. John McMillan Mennell, an expert on manipulative therapy from Jefferson Medical College in Philadelphia, complained of receiving phone calls "indirectly, but clearly inspired by the American Medical Association, implicitly suggesting what the tenor of my paper should be."²⁵ He was angered at the possibility that chiropractors might be penalized because of "the bitter bias of the American Medical Association, when there is substantial evidence that manipulative therapy brings relief to sufferers from mechanical pain."²⁶ In the initial vote on whether to recommend that Congress approve Medicare coverage of chiropractic, the federal panel split 4-4, but the final vote was changed to 5-3 against chiropractic coverage.

Chiropractic Cries Foul

The divided camps of chiropractic charged that the panel was "fixed." The International Chiropractors Association, representing the straights, and the American Chiropractic Association, representing the mixer

camp, put aside their differences and released a May 1969 White Paper in which they outlined their charges against the panel. They complained that HEW's Ad Hoc Consultant Group and Expert Review Panel were dominated by medical doctors and included no chiropractic representatives.

The chiropractors said the federal report misrepresented chiropractic education, noting that nearly three-quarters of chiropractic colleges at the time required a minimum two years of prior college credit. The report also stated the four-year chiropractic-education program devoted more time to instruction in anatomy, physiology, radiology, rehabilitation, nutrition, and public health than did the four-year course in medical school. Further, the chiropractors rebutted the federal report by noting that organized chiropractic had formally rejected the "one-cause, one-cure" theory, which the AMA had long belittled.²⁷

Congress demanded a response from HEW, which claimed every step possible was taken to prevent bias. In the meantime the AMA Department of Investigation added the panel's negative report on chiropractic to its so-called chiro kit, a package of anti-chiropractic materials it sent to consumers and others inquiring about chiropractic.

Throughout this period, members of the Committee on Quackery made disparaging speeches to build opposition to chiropractic. Dr. Joseph A. Sabatier, chairman of the committee, hailed from Louisiana, the only state in the early 1970s that did not license chiropractors. He told a gathering of medical society officials that "rabid dogs and chiropractors fit into about the same category. . . . Chiropractors were nice [but] they killed people."²⁸

The Department of Investigation and the Committee on Quackery eventually backed off on the chiropractor-as-mad-dog-killer argument. Taylor advised a national insurance association that it would be playing "with dynamite" if it went after the chiropractors' record with malpractice suits.²⁹ After all, based on the larger number of medical doctors and the larger number of suits against them, the chiropractors were bound to come out on top. Like other health professionals, chiropractors put their patients at a certain amount of risk during treatment. A chiropractic adjustment of the neck in rare instances can cause a stroke. And some chiropractors resorting to ineffective or hazardous treatment could be putting patients' lives in jeopardy by keeping them from lifesaving medical therapies. But this problem was small in comparison to the dangers posed by mainstream medicine. Medical doctors more frequently than chiropractors engaged in potentially harmful, even deadly practices. Nevertheless, Taylor encouraged the AMA's consumer magazine to print

articles—based on Department of Investigation files—showing the dangers of chiropractic quackery, such as chiropractors misdiagnosing cancers and other life-threatening ailments.

The chiropractors did what they could to counter the attack. They dispatched “truth squads” to tell their side to the press at hotels where the AMA held its annual National Congress on Medical Quackery.³⁰ Taylor, the former newsman, was shocked when the media started to give chiropractic equal time to answer AMA charges. The tide of battle was about to turn, though in completely unexpected ways.

THE AMA WAR BACKFIRES

In an unprecedented memo, on January 4, 1971, the Committee on Quackery reported to the Board of Trustees that it was well on its way toward achieving its first goal of containing chiropractic and was “moving toward the ultimate goal” of eliminating the competing healers. The committee also explained it had not submitted a progress report in the first seven years of its existence because “to make public some of [its] activities would have been and continues to be unwise.”³¹

Around the same time, over in Davenport, Iowa, Dr. Jerome McAndrews, new on the job as executive vice president of the International Chiropractors Association, was pondering the fate of his profession. He had no way of knowing that an unusual parcel he received in the mail would have direct bearing on the future of chiropractic and its AMA antagonists. The package contained fifteen copies of a book entitled *In the Public Interest*.³² The illustration on the book's cover immediately riveted his attention: a Nazi swastika was superimposed on the AMA's serpent-on-the-staff logo.

McAndrews, like most other chiropractors, believed his profession was the victim of clandestine maneuvering by the AMA. The AMA had long considered chiropractic quackery and an “unscientific cult”; however, this book appeared to document that the AMA was doing more than mouthing anti-chiropractic slogans. The book's thesis was that the AMA was plotting to eradicate chiropractic. It described the AMA's anti-chiropractic plan in detail and even reproduced internal memos supposedly obtained by an anonymous reform-minded physician on staff at the AMA. The paperwork from the AMA drones was enough to warm the heart of any conspiracy buff. The book purported to show that the AMA was intentionally wiping out a competing profession, not merely fighting quackery.³³

The book began: “What you are about to read is not fiction. It is not the inside story of the rise of the Third Reich, nor is it a figment of a fanatic's fantasy of a communist conspiracy to take over America. What it is, is truth, fully documented, of how the powerful American Medical Association is going about doing away with one of the less powerful professions in the healing arts, chiropractic.”³⁴ McAndrews could tell that whoever put together the book had an ax to grind, though he wasn't sure who the person was. He fretted that personal slurs aimed at AMA officials undermined the book's credibility.

Furthermore, McAndrews never heard of William Trevor, the book's author, nor Scriptures Unlimited, the book's Los Angeles-based publisher. The book acknowledged the assistance of an obscure organization known as Reform in Professional Organizations Freedom Foundation. Only years later would a lawyer point out that the group's acronym was an apparent joke—RIP-OFF. Though he couldn't be sure the material was authentic, McAndrews intuited a ring of truth. As he paged through the book, he realized it could help rally chiropractic's divided movement and could crack what he believed was an AMA-led boycott that deprived the public of the benefits of his group's unique type of health care.

When a representative of Scriptures Unlimited called to ask whether he had received the books and whether his association would like to reprint it, McAndrews arranged to buy the rights. He said a balding, middle-aged man, casually dressed, wearing a leather jacket, collected the \$2,500 cashier's check from him. Fifteen thousand copies of the book were printed. McAndrews made only one change, he removed the swastika. *In the Public Interest* created a stir in chiropractic circles but received no attention elsewhere.

A Chiropractor Calls for a Suit Against the AMA

Dr. Chester A. Wilk, a Chicago chiropractor, was touched by the book. He had long held that medical doctors persecuted chiropractors and their patients. For instance, his patients had tremendous difficulty obtaining X rays at local hospitals in connection with chiropractic care, although the facilities had been built with public funds. He felt AMA prohibitions against professional cooperation between medical doctors and chiropractors was harming his patients. The activities of the AMA cabal outlined in *Public Interest* substantiated his personal experience.

A year before the Trevor book came out in 1972, Wilk had begun writing his own indictment of the AMA. The chiropractor, who has a copy of the Bill of Rights displayed prominently in the living room in his

suburban Chicago home, in 1973 self-published *Chiropractic Speaks Out: A Reply to Medical Propaganda, Bigotry and Ignorance*.³⁵

In his book, Wilk urged the AMA to stop engaging in monopolistic practices and join with chiropractic to help patients. As he went around the country promoting his book before local chiropractic groups, Wilk began beating the drums for a lawsuit to end discrimination promoted by the AMA and its fellow members of the medical establishment. Legal action against the powerful allopaths was an unpopular notion in organized chiropractic, which had lost an important lawsuit in 1965 before the Supreme Court, through which it had attempted to force licensure of chiropractors in Louisiana.³⁶ Nonetheless, at the grass roots, thanks to the feisty Wilk, a defense fund for a lawsuit was started in hopes of taking on the AMA.

"Sore Throat" Speaks

Wilk's efforts against the AMA got a boost in 1975 when an individual dubbed Sore Throat sent a torrent of purloined AMA papers to reporters at major media outlets, including the *New York Times*, the *New York Daily News*, the *Washington Star*, the *Washington Post*, and the *Chicago Sun-Times*, as well as to congressional committees and Dr. Sidney Wolfe, cofounder with consumerist Ralph Nader of Public Citizen Health Research Group. The internal documents revealed a pattern of seemingly underhanded activities, indicating possible postal and tax abuses involving the *Journal of the AMA*, apparent AMA manipulation of certain congressional leaders, and battle plans for the war to "contain and eliminate" chiropractic. Some of the documents relating to chiropractic were contained in *Public Interest*, but the theatrics of Sore Throat, whom reporters found to be highly credible because his tips usually checked out, thrust the issue into the media spotlight. Sore Throat, like the supposed source of documents described in the introduction to *In the Public Interest*, claimed he was a disgruntled AMA staff doctor who was trying to expose wrongdoing so that organized medicine could proceed with much-needed reform.

Bedeveled by leaks, which one AMA spokesman characterized as "death by one thousand cuts," the AMA was running scared. It hired a private eye to uncover who was behind the breaches. It purchased paper shredders to destroy documents. AMA spokesmen engaged in disinformation about Sore Throat, offering to reveal his true identity. One AMA spokesman told the press that Sore Throat was "a fruity chiropractor in Georgetown whose hobby is hairdressing."³⁷

The AMA's detective, a former Secret Service agent, quickly traced the disclosures to a group the AMA had angered years before: the Church of Scientology. In addition, the AMA investigation found that Scriptures Unlimited was a small publishing house purchased by the Church of Scientology just to publish *In the Public Interest*.³⁸

Scientology, a religion with a psychological bent founded by science-fiction writer L. Ron Hubbard in the 1950s, had a long-simmering grudge against the AMA. The sect believed the AMA had attempted to discredit the religion since its earliest days. And church members were angered by the publication in 1968 in an AMA consumer publication of an article entitled "Scientology—Menace to Mental Health," in which Ralph Lee Smith, a special target of derision in the Trever book, described the wealth gathered by Scientology's leadership and the problems the group had with the Internal Revenue Service. Smith dismissed Scientology's tenets as "simple—some say simplistic."³⁹

In response, Scientology had issued a "doom program" to destroy the AMA.⁴⁰ A Scientologist, who worked in the AMA's Drug Department, sometime between 1969 and 1971 had gone through AMA files and had discovered the mother lode of files on chiropractic, which formed the basis for *In the Public Interest*. During subsequent operations in the mid-1970s, papers relating to AMA lobbying efforts and business practices were uncovered and delivered by Sore Throat to the media, consumerists, and Congress.⁴¹

Ironically, only a few months before the leaked AMA documents began to show up in the press in the summer of 1975, the AMA dismantled the Department of Investigation and the Committee on Quackery. In the end, the department had described itself as a success, even though by the time of its demise Medicare covered chiropractic care to a limited extent and chiropractic was licensed in all fifty states. The main reason the AMA cited for closing the office was the AMA's financial woes, which had led to layoffs of several hundred employees in 1974 and 1975. But although the Department of Investigation and the Committee on Quackery technically were dead, they would continue to live on in another arena—the courts.

CHIROPRACTIC FIGHTS BACK

U.S. Representative John E. Moss, chairman of the oversight and investigations subcommittee of the House Interstate and Foreign Commerce Committee, was on Sore Throat's mailing list. And the California

Democrat was distressed at what he read. In October 1975 he sent the Federal Trade Commission copies of AMA documents pertaining to anti-chiropractic activities. He argued that the AMA efforts to eliminate chiropractic might constitute a group boycott, which was illegal under the Sherman Act. Moss pointed out that even though the AMA might find chiropractic undesirable economically or socially, Congress had included chiropractic treatments under Medicare coverage. He urged an investigation.⁴²

But in the mid-1970s, the concept of prosecuting professionals, such as doctors, for antitrust was a new one, and the FTC failed to take on the case. However, Sore Throat contacted Wilk and other prominent chiropractors, giving the chiropractors' morale a boost. They decided to explore the possibility of an antitrust suit, acting under provisions in the federal law that allowed individuals to act as "private attorneys general." Wilk and the International Chiropractors Association's Jerome McAndrews consulted with attorney George P. McAndrews, Jerome's younger brother.

The younger McAndrews recommended eight Chicago law firms specializing in antitrust. These attorneys politely but firmly turned away the chiropractors. The firms felt uncomfortable with the unconventional chiropractors, and some feared that if they took up the chiropractors' cause, they might lose business from organized medicine, the many national medical associations based in Chicago. When the chiropractors informed him the suit would not be filed unless he represented them, McAndrews decided to pursue the case himself, obtaining assistance from Northwestern University antitrust expert Paul Slater. Chester Wilk, D.C., and three other chiropractors filed suit on October 13, 1976, against the American Medical Association and a Who's Who of major medical groups. All told, four AMA officials and eleven of the nation's most important medical groups were defendants, including the American Hospital Association, the American College of Surgeons, the American College of Physicians, the American Academy of Orthopaedic Surgeons, the American College of Radiology, and the Joint Commission on Accreditation of Hospitals. Ironically, the American Osteopathic Association had become so mainstream by that time that it was named as a defendant.⁴³

As he went through his opponents' files during the pretrial discovery process, McAndrews, who had previously handled only antitrust issues connected with patents, thought he had a solid case since AMA documents repeatedly spoke of efforts to "contain and eliminate" chiropractic and outlined how this was to be accomplished, stating, "We can't let the public know what we're doing. The AMA's hand must not show." The

Trevor book and Sore Throat had provided the chiropractors with a smoking cannon.

A vast array of documents critical to the case was available, even though a top AMA official had advised state societies in 1978 to purge their files because of a pending federal investigation.⁴⁴ In preparing for the trial from 1977 through 1980, McAndrews visited thirty-four states and collected over one million documents and 164 depositions. The AMA couldn't have faced this legal challenge from Wilk, along with three other chiropractic restraint-of-trade suits, at a worse time because of the association's precarious financial situation. The AMA was trying to come back from near-bankruptcy, and its leadership and management knew the organization was looking at the expenditure of hundreds of thousands, if not millions, of dollars on its legal defense.

Hoping to make the suits go away, AMA leaders tried to blunt the organization's stand against chiropractic. The House of Delegates in 1979 adopted a board report, designated as UU, stating that *not* everything chiropractors did was without "therapeutic value." Rather than depict all chiropractors as cultists, the board said "it is better to call attention to the limitations of chiropractic in treatment of particular diseases." The report, however, reaffirmed that chiropractic theory was not supported by science, and the organization continued to stand by a section of its 1957 ethical code, which prohibited medical doctors from associating professionally with cultists.

Dr. James H. Sammons, the AMA's executive vice president, told delegates: "To deliberately place ourselves in violation of the antitrust statutes so that we can go home and self-righteously say that we have done so is sheer foolishness. It places every doctor in America in greater jeopardy than he is in already," said Sammons, a pragmatist who was willing to eat crow if it helped the organization survive. Dr. William S. Hotchkiss, an AMA Board member who had served on the Committee on Quackery during its final years, agreed, saying the board report should be supported as a defensive maneuver to save the AMA money. "If we could settle it all for a nominal sum, this would not be surrender, but would represent good common sense," he said.⁴⁵ The House of Delegates adopted report UU by a vast majority.

The AMA effort to rewrite history to head off lawsuits resumed the next year. In 1980, under the leadership of Dr. James S. Todd, a New Jersey surgeon and a rising star in AMA circles, the House of Delegates revised its ethical code, eliminating the section that banned consultation with unscientific practitioners. Legally, the AMA appeared to have sanitized the record of its anti-chiropractic stands, but its headaches were far from over.

The case of *Wilk et al. v. AMA et al.* finally went to trial before U.S. District Court Judge Nicholas J. Bua in Chicago in December 1980. A federal appeals court later described the trial as a "free-for-all between chiropractors and medical doctors, in which the scientific legitimacy of chiropractic was hotly debated and the comparative avarice of the adversaries was explored."⁴⁶ Bua told jurors they should not find the AMA guilty of wrongdoing if its actions were merely designed to inform the public about defects in chiropractic, adding that the AMA's advocacy was protected if it were aimed at lobbying for changes in law. After an arduous eight-week trial, the jury concluded the AMA's anti-chiropractic campaign was within legal bounds.

Afterward, two jurors, in tears, contacted McAndrews and told him they believed the AMA had done wrong, but based on the judge's instructions, they felt they had no choice but to let the physicians' group off the hook. McAndrews filed an appeal, arguing that Bua had erred in his handling of the case. In 1983 the Appellate Court of the Seventh Federal District agreed and ordered a new trial.

As the years ground on, AMA's codefendants in growing numbers settled with the chiropractors, creating ill will in the once-solid brotherhood. The AMA's battle became increasingly lonely.

U.S. District Court Judge Susan Getzendanner started a nonjury trial in May 1987. Much of the second trial was a rerun of the first. For their part, AMA attorneys argued that *if* there had ever been a boycott of chiropractic, it had ended in 1980 when the AMA adopted its new ethical standards. McAndrews countered that increased demand for chiropractic services and a significant spurt in chiropractors' incomes after liberalization of the ethical code were proof of the boycott's success earlier. He said the boycott still lingered because the AMA had never explicitly spelled out that physicians ethically could consult with chiropractors.

Chiropractic patients told the court how they were helped with headaches and back pain through spinal manipulation. Wilk described how his patients had been turned away from hospitals when he sent them there for X rays. He said he couldn't technically "refer" patients with medical problems to medical doctors but "transferred" them: "I turn them over and then I don't see them anymore."⁴⁷

AMA lawyers put on the stand consultants who refuted the evidence by the chiropractors' experts that attempted to document that chiropractors were financially disadvantaged because of an AMA boycott. The AMA questioned the safety of practices used by chiropractors when they took X rays of patients without shields. Dr. William Jarvis, cofounder of the National Council Against Health Fraud and a faculty member at

Loma Linda University, criticized chiropractic's underpinnings: "As I see it, the major problem is a substitution of the chiropractic philosophy for science."⁴⁸ Chiropractors were also attacked for "practice building," procedures to boost their income by encouraging unnecessary patient visits. The chiropractors' attorneys were quick to point out that medical doctors, dentists, psychologists, and other professionals have been accused of similar methods.

In closing arguments, AMA trial lawyer Douglas R. Carlson said the AMA acknowledged that chiropractic was becoming more scientific and even took partial credit for improvements in chiropractic: "We suggest that one reason that it changed was because of the criticism of its bizarre methods."⁴⁹ The courtroom cracked up when McAndrews, in his closing, retorted that Carlson's position was akin to a German U-boat captain he met who took "credit for the American Olympic team being so good because . . . by sinking their ships, he taught them how to swim."⁵⁰

The Conspiracy Unveiled

After a two-month trial, creating a record that included 3,624 pages of transcript, 1,265 exhibits, and excerpts from seventy-three depositions, Getzendanner, on August 24, 1987, ruled that the AMA and its officials "instituted a boycott of chiropractors in the mid-1960s by informing AMA members that chiropractors were unscientific practitioners and that it was unethical for a medical physician to associate with chiropractors. The purpose of the boycott was to contain and eliminate the chiropractic profession. This conduct constituted a conspiracy among the AMA and its members and an unreasonable restraint of trade in violation of Section 1 of the Sherman Act."⁵¹

Although the number of chiropractic schools, the number of chiropractors, and the number of visits to chiropractors grew during the boycott, Getzendanner accepted the Committee on Quackery's acknowledgment that it had succeeded in containing chiropractic. "These admissions were not mere puffery," she said. Although the AMA never disciplined any members for associating with chiropractors, the judge said the existence of the ethical stricture against such relations "is inherently a forceful mandator of conduct. . . . Enforcement was not necessary to obtain compliance with the boycott."⁵²

Getzendanner shot down the AMA's claims that its anti-chiropractic policies were ancient history. She indicated that the AMA Board Report UU stating chiropractic was not entirely unscientific "was obviously written by lawyers in an effort to bring the AMA into compliance with the

antitrust laws and not a bold change of position designed to reverse the attitudes of the AMA members formed, at least in part, by the then 11-year-old boycott.⁵³ The AMA's 1980 revised principles theoretically allowed AMA members to associate with chiropractors, but there was no explicit reference to chiropractors in the new code, the judge said. In her final case before retiring from the bench, Getzendanner said the AMA had failed to inform its members of the fact that it now recognized improvements in and benefits from chiropractic.

Getzendanner found the behavior by both the AMA and chiropractic to be a mixed bag. She said the AMA acted in the blind belief that it was protecting patient welfare by combating chiropractic. Meanwhile, she agreed that some therapies used by chiropractors were "alarming" and potentially harmful to patients. "I do not minimize the negative evidence. But most of the defense witnesses appeared to be testifying for the plaintiffs," she said.⁵⁴ She stressed that her ruling should not be construed as an endorsement of chiropractic, nor would she preside over a shotgun wedding between the professions. "Certainly no judge should perform that ceremony," she said.⁵⁵

To combat the continuing effects of the conspiracy, she ordered the AMA to admit the "lawlessness of its past conduct" and to alter its official policy on chiropractic.⁵⁶ As a result, the injunction was published in the *AMA Journal* on January 1, 1988, with an editorial by AMA general counsel Kirk B. Johnson explaining why such an unusual document appeared in the scientific publication.

The judge also found the American College of Surgeons, the American College of Radiology, and the American Academy of Orthopaedic Surgeons guilty of joining the conspiracy; these groups reached out-of-court settlements with the chiropractors. The cases against the Joint Commission on Accreditation of Hospitals and the American College of Physicians were dismissed.

The AMA appealed the case. In February 1990 the Appellate Court upheld the lower court's ruling, and the U.S. Supreme Court let Getzendanner's ruling stand in November 1990.⁵⁷

After negotiating for more than a year, the AMA in December 1991 agreed to make a \$3.5 million payment for the chiropractors' legal costs and to publish a new position in its ethical opinions explicitly stating that medical doctors and chiropractors could associate professionally.⁵⁸

Meanwhile, the old wounds between allopathy and chiropractic and other alternatives appeared to be healing. Mainstream physicians appeared to be more open to patients receiving care from nonphysicians. Several studies on the benefits of chiropractic were published in highly

respected *medical* journals. In 1992 Congress, pressured by advocates for alternative medicine, directed the National Institutes of Health, a bastion of orthodox medicine, to launch a new venture that would not have been possible in the pre-Wilk era: the NIH Office for Alternative Medicine.⁵⁹ The AMA seemed to be moving on. It converted the voluminous files from the defunct Department of Investigation, which had hunted chiropractic, into a research archive in the organization's headquarters.⁶⁰

PROTECTING THE MONOPOLY

The peaceful spring did not last long. The war against alternative healers was reignited in the fall of 1993. As in the years before Medicare was adopted, organized medicine was feeling the strains of change brought on by the health reforms proposed by the Clinton administration. Once again the AMA's own forces were divided and demoralized. They needed an enemy around which they could rally. The AMA took on a new threat to its control of the health field: nursing.

In *Witches, Midwives, and Nurses: A History of Women Healers*, Barbara Ehrenreich and Deirdre English note that the male-dominated medical profession afforded a subservient role to female-dominant nursing. Nurses were "ancillary," from the Latin for maidservant. Nursing work was "just low-paid, heavy-duty housework."⁶¹

They note that modern scientific doctors relied on nurses: "[He] was even less likely than his predecessors to stand around and watch the progress of his 'cures.' He diagnosed, he prescribed, he moved on. He could not waste his talents, or his expensive academic training in the tedious details of bedside care. For this he needed a patient, obedient helper, someone who was not above the most menial tasks, in short, a nurse."⁶²

This role was institutionalized in state nursing-practice acts that in most cases restrict what nurses can do, preserving the doctors' monopoly. In effect, nurses in these jurisdictions are limited to providing care delegated by physicians.⁶³

However, a cadre of highly trained specialists—known as advanced-practice nurses—has in recent years made some gains. In some cases these nurses are autonomous. They can diagnose and treat disease, prescribe medications, and receive reimbursement for their services.

The American Nurses Association sees as one of its key missions expanding the roles of these independent-practice nurses, including nurse-practitioners, nurse-midwives and nurse-anesthetists. With this in mind, the ANA increasingly has become politicized, having moved its

headquarters to Washington from Kansas City in 1992. It was the first major health-care group to endorse the Clinton-Gore ticket.⁶⁴ (The AMA traditionally has not endorsed presidential candidates, concentrating its efforts on congressional races.)

In the health reform, nursing saw an opportunity to promote autonomy for nursing. Nursing was encouraged when the Administration said there was a shortage of primary-care providers—pediatricians, family physicians, and internists—to provide such care. The ANA charged that the majority of physicians had abandoned primary care for more lucrative specialty practices. It said if restrictions on nurses were lifted, advanced-practice nurses were up to the challenge of providing much of this basic care. The ANA's slogan became: "In the future your 'family doctor' may be a nurse." Nursing was among the first groups to endorse the early draft of Clinton's health proposal in September 1993.

Nursing argued that research showed nurses could provide up to 80 percent of care delivered by primary-care physicians, that care given by nurses was as good or better than physician-provided care, and that surveys showed the public was open to the idea of nurses furnishing more of this care. The ANA also contended that nursing care was less costly than that from physicians. Nurses earned less than doctors, \$45,000 annually for nurse-practitioners vs. \$111,800 for family physicians in 1992.

The Administration partially rewarded nursing in its final reform package, recommending that state restrictions on nurses be loosened and that Medicare reimbursement for nurse practitioners be expanded.⁶⁵

A war of words ensued between medicine and its challengers, reminiscent of some of the battles between the AMA and chiropractic. Several state medical societies' political action committees warned in fund-raising letters sent to doctors that some "daffy ducks" were trying to "fowl up"—one state said "duck up"—medical care by lowering standards and allowing unqualified people to practice medicine. The nurses said these physicians were accusing them of being "quacks."

The AMA also went on the attack, questioning whether a shortage of primary care actually existed. And at the interim meeting in December 1993 in New Orleans, the AMA released a thirty-page report suggesting that giving nurses more autonomy "may increase the medical risk to patients and the ultimate cost of care." It opposed giving nurses more autonomy, including expanding their right to prescribe medicine and to be reimbursed directly for services. AMA leaders said they favored an expanded role for nurses so long as they work under the supervision of physicians. The report concluded: "Nurses in advanced practice are not

educated to independently provide medical care to meet the broad spectrum of needs of patients in the community."⁶⁶ AMA leaders like to say that "nurses don't know what they don't know," and that nurses "ought to go to medical school if they want to be doctors."

The economic self-interest of physicians again blurred the AMA's claims that it was looking out for patients. As ANA president Virginia Trotter Betts put it, "The issue is control, especially control of dollars. The AMA wants physician supervision because then the physician gets the first dollar."

She noted that the AMA "has also opposed autonomy for any practitioner, whether that be nurse, podiatrist, psychologist, social worker or chiropractor."⁶⁷

The AMA stands for the status quo, a physician-centered health-care system. It is unlikely that patients will suffer at the hands of highly trained nurses. But the AMA will not willingly relinquish the power, prerogatives, and pay physicians receive under the current medical monopoly.

professional affairs, American Chiropractic Association; Judith Randal, medical writer, formerly of the *New York Daily News*; Dr. James S. Todd, executive vice president of the AMA; Dr. Walter Wardwell, emeritus professor of sociology, University of Connecticut; Dr. Chester Wilk, chiropractic physician, Park Ridge, Ill.; Dr. Sidney Wolfe, executive director, Public Citizen Health Research Group.

1. David M. Eisenberg et al., "Unconventional Medicine in the United States," 3 *New England Journal of Medicine*, 28 January 1993, 246. See also Paul Starr, *The Social Transformation of Medicine* (New York: Basic Books, 1982), 107;
2. Norman Gevitz, "Osteopathic Medicine: From Deviance to Difference," in *Other Healers: Unorthodox Medicine in America*, 124-156; Gevitz, "The Chiropractors and the AMA: Reflections on the History of the Consultation Clause," *Perspectives in Biology and Medicine*, Winter 1989, 290; Gevitz, *The D.O.s: Osteopathic Medicine in America* (Baltimore: The Johns Hopkins University Press, 1982);
3. Walter I. Wardwell, "Chiropractors: Evolution to Acceptance," in *Other Healers: Unorthodox Medicine in America*;
4. Morris Fishbein, *The Medical Follies* (New York: Boni & Liveright, 1925), 61;
5. *Ibid.*, 98;
6. Developments relating to the efforts to suppress chiropractic in Iowa and subsequently by the AMA are based on the Throckmorton deposition and other documents from the *Wilk et al. v. AMA et al.* trial;
7. Robert B. Throckmorton, legal counsel, Iowa Medical Society, "The Menace of Chiropractic," an outline of remarks given to the North Central Medical Conference, Minneapolis, 11 November 1962, plaintiff's exhibit 172, *Wilk*, 6;
8. *Ibid.*, 6;
9. *Ibid.*, 9;
10. Deposition of Throckmorton, *Wilk et al. v. AMA et al.*, 11 July 1978, 35. The Department of Investigation was formed in 1906 as an outgrowth of efforts by JAMA to attack health fraud and quackery. In 1913 the AMA formed the Propaganda Department to gather and disseminate information about quackery. The agency's name was changed to the Bureau of Investigation in 1925 and then to the Department of Investigation in 1958. Arthur W. Hafner et al., *Guide to the American Medical Association Health Fraud and Alternative Medicine Collection* (Chicago: American Medical Association, 1992), viii;
11. AMA Committee on Quackery, Report to the AMA Council on Long Range Planning and Development, 9 April 1971. The committee emphasized to the council: "The Committee believes that the campaign against chiropractic is an effective 'unity' mechanism for medicine at all levels and physicians must be made aware of this extremely beneficial side effect, particularly at this time." Plaintiff's exhibit 466, *Wilk*;
12. Memo from Robert Youngerman to Robert Throckmorton, 24 September 1963, plaintiff's exhibit 173, *Wilk*;
13. Throckmorton, a veteran of the Iowa wars against chiropractic, was shocked by the board's decision to use the word "quackery." In his deposition, 11 July 1978, 41, he described this as "an unnecessary affront";
14. The Committee on Quackery stated in a memo that "since its formation in 1964 [the Committee] has considered its mission to be, first the containment of chiropractic, and, ultimately, the elimination of chiropractic as a recognized health-care provider";
15. Material relating to H. Doyl Taylor is based on a deposition in the case of *Wilk et al. v. AMA et al.*, on 28 April 1987, in Phoenix, 15;
16. In an interview Dr. Chester A. Wilk described Taylor as Eichmann;
17. Susan Getzendanner, U.S. District Court Judge, Northern District of Illinois, Eastern Division, Memorandum Opinion and Order, *Wilk et al. v. AMA et al.*, No. 76 C 3777, 13;
18. In 1961 the House of Delegates had adopted a generic position declaring unethical any relationship between a medical doctor and a cultist. This position and the 1966 policy against chiropractic were consistent with Principle 3 of the Principles of Medical Ethics, adopted in 1955, which stated: "A physician should practice a method of healing founded on a scientific basis, and he should not voluntarily associate professionally with anyone who violates this principle";
19. In his deposition for the *Wilk* case, William Monaghan, a former Department of Investigation staffer, described attending under cover a meeting of the American Chiropractic Association in New York. A former journalist and not a chiropractor, he registered at the meeting as "Dr. Bob Meier, D.C.," assuming the name of another AMA staffer. Deposition in *Wilk et al. v. AMA et al.*, 21 June 1979, 32-39;
20. Ralph Lee Smith, *At Your Own Risk: The Case Against Chiropractic* (New York: Trident Press, 1969);
21. Samuel R. Sherman, letter from H. Doyl Taylor, director, AMA Department of Investigation, 20 February 1968, Plaintiff's exhibit 220, *Wilk et al. v. AMA et al.*;
22. Letter from Sherman to Taylor dated 1 March 1968;
23. In the undated memo,

CHAPTER 6: MEDICAL MONOPOLY

In addition to other sources listed, interviews were conducted with B. J. Anderson, special counsel, American Medical Association; Dr. Norman Gevitz, medical historian, University of Illinois at Chicago; William Hines, former Washington bureau chief, *Chicago Sun-Times*; George P. McAndrews, attorney, Chicago; Dr. Jerome McAndrews, vice president for

Stevens said the HEW physician refused to allow the Kentucky Medical Association to pay for his meal because he saw that as a conflict of interest. "I think he needs to be watched carefully," said Stevens. The memo was Plaintiff's exhibit 332 in the *Wilk* case; 24. Taylor received a letter on 3 September 1968 from the American Society of Internal Medicine that included a list of panelists considered "soft" on the chiropractic; 25. Deposition of Mennell, in *Wilk et al. v. AMA et al.*, 75; 26. Mennell transcript, 99; 27. American Chiropractic Association, International Chiropractors Association and Council of State Chiropractic Boards Inc., "Chiropractic's 'White Paper' on Health, Education and Welfare Secretary's Report 'Independent Practitioners Under Medicare,'" May 1969; 28. Minutes from the "Chiropractic Workshop," Michigan State Medical Society, held in Lansing on 10 May 1973, exhibit 1283, *Wilk et al. v. AMA et al.* Sabatier said in dealing with chiropractors that medicine ought to be careful "to condemn the sin and not the sinner"; 29. Comment on "dynamite" from letter 2 February 1971 by Marvin Reiter, of the National Association of Blue Shield Plans, in which he recounts a conversation with Taylor; 30. "Chiropractors, AMA Swap Fraud Claims," *Chicago Sun-Times*, 9 October 1966, 51; 31. Memo to the AMA Board of Trustees, 4 January 1971, plaintiff's exhibit 464, *Wilk*; 32. William Trever, *In the Public Interest* (Los Angeles: Scriptures Unlimited, 1972). The book was dedicated to H. Doyl Taylor, director of the AMA Department of Investigation, with a quote from the Roman philosopher Seneca: "If you would wish another to keep your secret, first keep it yourself." Taylor is featured in several demeaning cartoons in the book; 33. Chiropractors often repeated stories of AMA plots to destroy them. For example, chiropractors attending a convention in 1930 in New York told of how AMA officials "met in a secret conclave" in Chicago in 1922 and adopted the slogan "Chiropractic must die" and gave themselves ten years to destroy chiropractic. This account ran in Louis S. Reed, *The Healing Cults* (Chicago: University of Chicago Press, 1932), 35; 34. Trever, 1; 35. Chester A. Wilk, *Chiropractic Speaks Out: A Reply to Medical Propaganda, Bigotry and Ignorance* (Park Ridge, Ill.: Wilk Publishing, 1973); 36. The case was *England et al. v. Louisiana State Board of Medical Examiners et al.* The lower court held it was not "irrational and unreasonable" for the Louisiana legislature to require chiropractors to comply with the state medical practices act; 37. Ron Shaffer, "Scientologists Kept Files on 'Enemies,'" *Washington Post*, 16 May 1978, A1; William Hines, "Flunked Private Eye Gets AMA Mission," *Chicago Sun-Times*, 18 August 1975, 8. The Hines article also relates the story of Thomas Spinelle, the former Secret Service agent who investigated the case for the AMA. Hines found that Spinelle had failed his private-investigator exam twice in 1975; 38. This account is based on interviews with B. J. Anderson, AMA special counsel, and some former AMA leaders who wished to remain anonymous. In trying to dig out the infiltrators, the AMA ran lie-detector tests on employees in Chicago and Washington. According to the *Los Angeles Times*, a secretary who worked for the AMA's chief executive turned out to be among the Scientology moles. It had been learned that she had spent several weekends at the Chicago headquarters without specific assignments, and confidential documents were found in her desk. Robert Rawitch and Robert Gillette, "Church Wages Propaganda on a Wide Scale," *Los Angeles Times*, 27 August 1978; 39. Ralph Lee Smith, "Scientology—Menace to Mental Health," *Today's Health*, December 1968, 34–39; 40. The "doom program" is cited in "Dianetic Sect Said to Spy on A.M.A.," *New York Times*, 2 November 1979, 19. Also, Hubbard wrote in a memo in 1963: "Certain vested interests, mainly the American Medical Association, a private healing monopoly, wish to do all possible harm to the Scientology movement over the world in order to protect their huge medical-psychiatric income and desired monopoly, which runs into tens of billions annually" (Rawitch and Gillette, "Church Wages Propaganda on a Wide Scale"); 41. In 1977 FBI agents, armed with sledgehammers, buzz saws, crowbars, and search warrants, raided Scientology's Guardian Offices in Washington and Los Angeles. Seeking to recover stolen government documents, the FBI turned up AMA materials, which AMA officials tied to Sore Throat. The church leadership admitted that the people implicated in the AMA invasion were church members, but said they had acted alone without the knowledge of the church leadership. In addition to AMA material, the FBI found copies of the tax returns of Los Angeles mayor Tom Bradley and singer Frank Sinatra and confidential material from the FBI and IRS; Interview with B. J. Anderson, special counsel to the AMA; Anthony Marro, "Federal Agents Raid Scientology Church," *New York Times*, 9 July 1977, 1;

"Dianetic Sect Said to Spy on A.M.A.," *New York Times*, 2 November 1979, 19; 42. David Burnham, "A.M.A. Criticized on Chiropractic. House Unit Poses Question of Antitrust Aspects," *New York Times*, 29 October 1975, 81; 43. Since the 1960s, the once-outcast osteopathic physicians had become part of the establishment, offering the medical and surgical services like allopaths as well as manipulation like chiropractic physicians. The AMA said it was up to each state medical society to set its own policy on osteopathy. In 1989 the AMA gave full recognition to osteopaths as physicians. In 1993 about 5,000 DOs were AMA members; 44. From the deposition of Ralph Marshall, executive director of the New Mexico Medical Society, 22 February 1979, 55–66. Marshall said that Whalen Strobhar, assistant AMA vice president, told the executives that the AMA counsel had recommended destruction of files because the Federal Trade Commission was subpoenaing materials related to election and Political Action Committee activities. When asked if he had destroyed any files from the Committee on Quackery, Marshall said, "If they were in there, they were purged," 57; 45. Richard Lewis, "AMA Revamps Stand On Chiropractic," *American Medical News*, 3/10 August 1979, 1; 46. James E. Doyle, Senior Judge, U.S. Court of Appeals for the Seventh Circuit, *Wilk et al. v. AMA et al.*, 19 September 1983, 13; 47. Testimony of Dr. Chester A. Wilk in Transcript of the Proceedings, *Wilk et al. v. AMA et al.*, 21 May 1987, 1014; 48. Transcript of Proceedings, *Wilk*, 26 May 1987, 1266; 49. *Ibid.*, 3132; 50. *Wilk et al. v. AMA et al.*, Transcript of Proceedings, 2 July 1987, 3396; 51. Getzendanner, Memorandum Opinion and Order, 5; 52. *Ibid.*, 23; 53. *Ibid.*, 17; 54. *Ibid.*, 35; 55. *Ibid.*, 49; 56. *Ibid.*, 48; 57. Michael Briggs, "Chiropractors' Victory Over AMA Ban Is Upheld," *Chicago Sun-Times*, 27 November 1990, 6. Kirk B. Johnson, AMA general counsel, said the ruling would have little impact on the AMA or doctor-patient relations because the AMA had considered it ethical since 1980 for physicians to refer patients to "limited practitioners" such as chiropractors; 58. Settlement figures come from AMA financial statements. Wolinsky, "After 15-Year Fight, AMA Gives OK to Chiropractors," *Chicago Sun-Times*, 9 January 1992, 3; 59. Natalie Angier, "Where the Unorthodox Gets a Hearing at N.I.H.," *New York Times*, 16 March 1993, B5; 60. The holdings are described in Hafner, *Guide to the American Medical Association Health Fraud and Alternative Medicine Collection* (Chicago: American Medical Association, 1992). Scholars and researchers can use the collection, which includes information on more than 3,500 fraudulent or alternative-health practitioners, products, and projects that were the subject of inquiries or investigations by the Department of Investigation; 61. Barbara Ehrenreich and Deirdre English, *Witches, Midwives, and Nurses: A History of Women Healers* (Old Westbury, N.Y.: The Feminist Press, 1973), 35; 62. *Ibid.*, 37–38; 63. American Nurses Association, "American Nurses Association Asks Congress to End Medical Monopoly of Health-Care System," 17 May 1993; 64. Michael Weisskopf, "In Health Debate, Nurses Exerting Power of Numbers and Purses," *Washington Post*, 16 May 1993, A1; 65. Joe Neel, "Extending the Extenders: Clinton Plan Carves Out Bigger Role for Them—But Not Big Enough for Nurses," *Physician's Weekly*, 27 December 1993; 66. American Medical Association Report of the Board of Trustees, "Economic and Quality of Care Issues with Implications on Scopes of Practice—Physicians and Nurses," December 1993; 67. American Nurses Association, "American Nurses Association Expresses Disappointment at AMA Opposition to an Expanded Role for Nurses," news release, 9 December 1993.